

1 AN ACT

2 relating to health benefit plan coverage of prescription drugs for
3 stage-four advanced, metastatic cancer.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 1369, Insurance Code, is amended by
6 adding Subchapter E-1 to read as follows:

7 SUBCHAPTER E-1. COVERAGE OF PRESCRIPTION DRUGS FOR STAGE-FOUR
8 ADVANCED, METASTATIC CANCER

9 Sec. 1369.211. DEFINITIONS. In this subchapter:

10 (1) "Associated conditions" means the symptoms or side
11 effects associated with stage-four advanced, metastatic cancer or
12 its treatment and which, in the judgment of the health care
13 practitioner, further jeopardize the health of a patient if left
14 untreated.

15 (2) "Stage-four advanced, metastatic cancer" means
16 cancer that has spread from the primary or original site of the
17 cancer to nearby tissues, lymph nodes, or other areas or parts of
18 the body.

19 Sec. 1369.212. APPLICABILITY OF SUBCHAPTER. (a) This
20 subchapter applies only to a health benefit plan that provides
21 benefits for medical or surgical expenses or pharmacy benefits
22 incurred as a result of a health condition, accident, or sickness,
23 including an individual, group, blanket, or franchise insurance
24 policy or insurance agreement, a group hospital service contract,

1 or an individual or group evidence of coverage or similar coverage
2 document that is issued by:

3 (1) an insurance company;

4 (2) a group hospital service corporation operating
5 under Chapter 842;

6 (3) a health maintenance organization operating under
7 Chapter 843;

8 (4) an approved nonprofit health corporation that
9 holds a certificate of authority under Chapter 844;

10 (5) a multiple employer welfare arrangement that holds
11 a certificate of authority under Chapter 846;

12 (6) a stipulated premium company operating under
13 Chapter 884;

14 (7) a fraternal benefit society operating under
15 Chapter 885;

16 (8) a Lloyd's plan operating under Chapter 941; or

17 (9) an exchange operating under Chapter 942.

18 (b) Notwithstanding any other law, this subchapter applies
19 to:

20 (1) a small employer health benefit plan subject to
21 Chapter 1501, including coverage provided through a health group
22 cooperative under Subchapter B of that chapter;

23 (2) a standard health benefit plan issued under
24 Chapter 1507;

25 (3) a basic coverage plan under Chapter 1551;

26 (4) a basic plan under Chapter 1575;

27 (5) a primary care coverage plan under Chapter 1579;

1 (6) a plan providing basic coverage under Chapter
2 1601;

3 (7) health benefits provided by or through a church
4 benefits board under Subchapter I, Chapter 22, Business
5 Organizations Code;

6 (8) group health coverage made available by a school
7 district in accordance with Section 22.004, Education Code;

8 (9) the state Medicaid program, including the Medicaid
9 managed care program operated under Chapter 533, Government Code;

10 (10) the child health plan program under Chapter 62,
11 Health and Safety Code;

12 (11) a regional or local health care program operated
13 under Section 75.104, Health and Safety Code; and

14 (12) a self-funded health benefit plan sponsored by a
15 professional employer organization under Chapter 91, Labor Code.

16 (c) This subchapter applies to coverage under a group health
17 benefit plan provided to a resident of this state regardless of
18 whether the group policy, agreement, or contract is delivered,
19 issued for delivery, or renewed in this state.

20 Sec. 1369.213. PROHIBITED CONDUCT. (a) A health benefit
21 plan that provides coverage for stage-four advanced, metastatic
22 cancer and associated conditions may not require, before the health
23 benefit plan provides coverage of a prescription drug approved by
24 the United States Food and Drug Administration, that the enrollee:

25 (1) fail to successfully respond to a different drug;
26 or

27 (2) prove a history of failure of a different drug.

1 (b) This section applies only to a drug the use of which is:

2 (1) consistent with best practices for the treatment
3 of stage-four advanced, metastatic cancer or an associated
4 condition;

5 (2) supported by peer-reviewed, evidence-based
6 literature; and

7 (3) approved by the United States Food and Drug
8 Administration.

9 SECTION 2. This Act applies only to a health benefit plan
10 delivered, issued for delivery, or renewed on or after January 1,
11 2020. A health benefit plan delivered, issued for delivery, or
12 renewed before January 1, 2020, is governed by the law as it existed
13 immediately before the effective date of this Act, and that law is
14 continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1584 was passed by the House on May 7, 2019, by the following vote: Yeas 126, Nays 19, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1584 on May 24, 2019, by the following vote: Yeas 115, Nays 24, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1584 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor